



MINUTES

CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) REGULAR MEETING

11:00 a.m., Thursday, September 17, 2009
Human Resources Verde Room
7575 E. Main Street
Scottsdale, Arizona 85251

PRESENT: Jack Cross, Chairman/Mayoral Designee
James Butera, Elected Member (Pending certification per City Code
Sec. 2-367)
La Verne Parker Diggs, Citizen Member/Merit Head
Jeffrey Walther, Elected Member

ABSENT: Jeffrey Burg, Citizen Member

STAFF: Joanna Munar
Ken Nemec
Kim Prendergast
Chanda Washington

Call to order:

Chairman Cross called the meeting to order at 11:11 a.m. He stated that the first order of business was the acknowledgement of Board Member Burg's excused absence.

Chairman Cross announced that Board Member Butera was recently re-elected as the Elected Member of the Police Local Board. He noted that any Board Member whose term has expired shall continue to serve on the Board until their successor was elected and qualified for the position.

Roll call:

A formal roll call confirmed the members present as stated above.

1. **Review and Approval of Meeting Minutes—August 20, 2009.**

BOARD MEMBER PARKER DIGGS MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE AUGUST 20, 2009 PSPRS POLICE LOCAL BOARD MEETING. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

2. Induction of New Scottsdale Police Officers into PSPRS.

Mr. Nemec reported that there were no new Scottsdale Police Officers to be inducted into the PSPRS and suggested that future agendas will indicate "if any."

Board Member Walther explained that the Police Department only had one individual attending the Police Academy. Four more individuals are waiting to start the Academy.

3. Discussion and Vote on the DROP (Deferred Retirement Option Plan) Termination and Normal Retirement Application of Police Officer Ronald Windsor, Jr.

Ms. Washington reported that Police Officer Ronald Windsor, Jr. entered into the DROP on February 19, 2005 with 20.465 years of service and would be retiring from the DROP on September 12, 2009 with approximately 24.465 years of service.

She stated that Police Officer Windsor's paperwork is in order and he would be receiving a monthly retirement benefit in the amount of \$3,259.44 to begin on October 31, 2009.

Board Member Walther explained that Police Officer Windsor now works for him at the training facility as a Civilian Range Master.

Chairman Cross told Board Members that he receives telephone calls from police officers inquiring whether they should go into the DROP, continue working, or retire from the DROP early.

In response to Mr. Nemec's inquiry regarding whether the Board would like to continue only seeing a copy of the first page of the DROP Retirement Application or whether it would like staff to include the complete Retirement Application in its monthly meeting notebooks, it was the consensus of the Board to only supply the first page in order to save paper.

Chairman Cross explained that the Board only needs to see Forms 11 and 12 when preparing for their meeting since Form 11 shows the calculations and Form 12 shows the applicant's signature which is also the same page the Board signs upon approval of the DROP Retirement Application. He recalled that Form P4 had previously been reviewed and approved by the Board.

BOARD MEMBER WALTHER MOVED TO ACCEPT THE DROP TERMINATION REQUEST OF POLICE OFFICER RONALD WINDSOR, JR., AND TO APPROVE HIS NORMAL RETIREMENT APPLICATION, EFFECTIVE SEPTEMBER 12, 2009, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION ASSOCIATED WITH THIS APPLICATION IS \$3,259.44 TO BEGIN ON OR ABOUT OCTOBER 31, 2009. BOARD MEMBER PARKER DIGGS SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

4. Discussion and Vote on the DROP (Deferred Retirement Option Plan) and Normal Retirement Application of Police Commander Stephen Gesell.

Ms. Washington reported that Police Commander Stephen Gesell entered into the DROP on May 22, 2009 with 20.022 years of service and would be retiring from the DROP on October 2, 2009 with approximately 20.5 years of service, having been in the DROP for only five months.

She stated that Police Commander Gesell's paperwork is in order and he would be receiving a monthly retirement benefit in the amount of \$5,206.33 to begin on November 30, 2009.

Chairman Cross explained that the DROP was designed to allow police officers to leave early if desired and charges penalties if a member retires past the deadline.

Board Member Walther reported that Police Commander Gesell recently accepted the number two job at the Atascadero California Police Department.

Chairman Cross expressed the Board's appreciation of Police Commander Gesell's 20 years of service to the citizens of Scottsdale.

BOARD MEMBER WALTHER MOVED TO ACCEPT THE DROP TERMINATION REQUEST OF POLICE COMMANDER STEPHEN GESELL, AND TO APPROVE HIS NORMAL RETIREMENT APPLICATION, EFFECTIVE OCTOBER 2, 2009, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION ASSOCIATED WITH THIS APPLICATION IS \$5,206.33 TO BEGIN ON OR ABOUT NOVEMBER 30, 2009. BOARD MEMBER PARKER DIGGS SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

5. Discussion and Vote on the DROP (Deferred Retirement Option Plan) Application of Police Officer Douglas McCumber.

Ms. Washington reported that Police Officer Douglas McCumber entered into the DROP on September 18, 2004 with 22.5 years of service and would be retiring from the DROP on September 30, 2009 with approximately 27.5 years of service.

She stated that Police Officer McCumber's paperwork is in order and he would be receiving a monthly retirement benefit in the amount of \$4,535.50 to begin on October 31, 2009.

Chairman Cross expressed the Board's appreciation of Police Officer McCumber's 27.5 years of service to the citizens of Scottsdale.

Ms. Washington stated that Police Officer McCumber planned to continue his work with the Fraternal Order of Police upon retiring.

BOARD MEMBER PARKER DIGGS MOVED TO ACCEPT THE DROP TERMINATION REQUEST OF POLICE OFFICER DOUGLAS McCUMBER, AND TO APPROVE HIS NORMAL RETIREMENT APPLICATION, EFFECTIVE SEPTEMBER 30, 2009, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION

ASSOCIATED WITH THIS APPLICATION IS \$4,535.50 TO BEGIN ON OR ABOUT OCTOBER 31, 2009. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

6. Motion to Recess into Executive Session

Chairman Cross deemed it unnecessary to go into executive session.

7. Board Suggestions for Upcoming Agenda Items.

Chairman Cross recalled that the Fire Local Board discussed locating and choosing a doctor with PSPRS and occupational injuries experience in order to handle all of their independent medical examinations.

He stated that Board Member Parker Diggs recommended locating one reliable physician with experience dealing with firefighter injuries that the Board could request repeatedly; over time that doctor would become more informed about the PSPRS and how it works.

Chairman Cross requested that staff also prepare a list of physicians with experience dealing with police officer injuries to allow the Police Local Board to choose one reliable physician to handle their future IMEs.

Ms. Washington agreed to forward the PSPRS Local Board Newsletters to Board members electronically, adding that the September 2009 Newsletter has information on the upcoming PSPRS Local Board Conference scheduled for October 26, 2009.

In response to Board Member Walther's inquiry regarding whether the DROP would be modified or deleted, Chairman Cross confirmed that the DROP cannot be removed as it relates to current members of the Police Department. He stated that the DROP could only be amended to affect new hires.

Chairman Cross explained that approximately ten years ago a State Constitutional Amendment was passed by the citizens stating that public employee retirement benefits could not be impaired. He pointed out that there were also Federal laws and court cases such as Yazell v. Copins restricting the reduction of retirement benefits of individuals once hired, since the benefits are considered part of their employment contract.

Chairman Cross noted that the health insurance benefits that used to be offered upon retirement could now be reduced or deleted by an employer. He pointed out that the courts recently held that the statutes in force on the date of disability apply to the ruling on each case.

Discussion ensued regarding the five-year average rule having been dissolved. Board Member Walther recalled a recent discussion to increase the percentage contribution by police officers.

Chairman Cross invited the Board Members to refer any police officer with questions regarding whether they should go into DROP to him so he could help them make the right decision for their current situation.

ADJOURNMENT:

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:33 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Police Local Board Secretary

Jack Cross
PSPRS Chairman/Mayoral Designee